

STATE OF MICHIGAN  
COURT OF APPEALS

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THOMAS CALLAHAN,

Plaintiff-Appellant,

v

UNIVERSITY OF MICHIGAN,

Defendant-Appellee.

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UNPUBLISHED  
November 6, 2001

No. 223701  
Wayne Circuit Court  
LC No. 98-825337-CZ

Before: Whitbeck, P.J., and Neff and Hoekstra, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's order dismissing his claims under the Civil Rights Act, MCL 37.2101 *et seq.* We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, a white man, sued defendant for retaliation in violation of § 701 of the Act, MCL 37.2701. To establish a prima facie case of retaliation under § 701 plaintiff must show the following four elements: "(1) that he engaged in a protected activity; (2) that this was known by the defendant; (3) that the defendant took an employment action adverse to the plaintiff; and (4) that there was a causal connection between the protected activity and the adverse employment action." *DeFlaviis v Lord & Taylor, Inc.*, 223 Mich App 432, 436; 566 NW2d 661 (1997). The record presented by the parties contains no evidence showing that Brucker or Waissi were aware of plaintiff's protected activities under the Civil Rights Act or that there was a causal connection between plaintiff's protected activities and the alleged retaliation. While Brucker and Waissi were aware of the meeting where plaintiff said he was "appalled" and "disgusted" at the way Brucker conducted the selection of the department chair, plaintiff's own deposition testimony indicates that he did not raise the issue of improper discrimination or Civil Rights Act violations at that meeting. While plaintiff's reports of possible discrimination to the EEOC officer and provost would be protected under the Act, there is no evidence that Brucker or Waissi knew of these protected actions, let alone that these actions motivated the alleged retaliation against plaintiff. There is no genuine issue of material fact regarding the required elements of knowledge or causation, so defendant was entitled to judgment as a matter of law under MCR 2.116(C)(10). *Smith v Globe Life Ins Co*, 460 Mich 446, 454; 597 NW2d 28 (1999).

Affirmed.

/s/ William C. Whitbeck

/s/ Janet T. Neff

/s/ Joel P. Hoekstra